

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES H. FISHER,

Plaintiff, No. CIV S-96-1850 DFL EFB P

vs.

JAMES GOMEZ, et al.,

Defendants. ORDER

Plaintiff is a prisoner without counsel seeking relief for alleged civil rights violations.

*See* 42 U.S.C. § 1983. He has requested that the court appoint counsel. District courts lack authority to require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request counsel voluntarily to represent such a plaintiff. 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990). The court finds that there are no exceptional circumstances in this case.

Accordingly, IT IS HEREBY ORDERED that plaintiff's May 23, 2007, request for appointment of counsel is denied.

DATED: June 5, 2007.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE